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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,607	06/11/2001	Srinivas Gutta	US010274	2957

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EXAMINER

CHAWAN, SHEELA C

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,607

Applicant(s)

GUTTA ET AL.

Examiner

Sheela C Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 and 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The Examiner has approved drawings filed on June 18, 2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(a) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrover (US.6,351,596 B1), in view of Shah-Nazaroff et al. (US.6,317,881 B1).

As to claim 1, Ostrover discloses a filter associated with a media system, the filter receiving data comprising one or more personal characteristics of a user of the media system (column 2, lines 29- 33), the filter determining at least one recommendation for

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the user of a selection available on the media system (column 5, lines 8-22) based upon at least one of the personal characteristics of the user.

Ostrover discloses tagging of broadcast motion pictures and streaming video materials with content type codes and the processing thereof so that selectively filtered but seamless play can be achieved. Ostrover is silent about specific details of identifying the one or more personal characteristics of the user.

Shah-Nazaroff discloses method and apparatus to collect and provide viewer feedback, a rating is generated for a broadcast by a server system. Viewer characteristics can also be stored at system controller or programming guide server (note, personal characteristics of the user corresponds to a viewer characteristic file could store information such as age, gender, etc., (column 4, lines 4-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ostrover to include identifying the one or more personal characteristics of the user. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ostrover by the teaching of Shah-Nazaroff in order to provide viewer feedback to a broadcast based on viewer characteristics, so both viewers and programming providers want to be able to identify broadcasts that are likely to be of interest to particular viewers, (as suggested by Shah-Nazaroff at column 1, lines 42- 44, 58- 61).

As to claim 12, see the above rejection of claim 1.

As to claim 2, Shah-Nazaroff discloses the data comprising one or more personal characteristics of the user received by the filter comprises an image that includes the user, the image being processed by the filter to identify the one or more personal characteristics of the user (column 3, lines 63-67, column 4, lines 4-19).

As to claim 3, Shah-Nazaroff discloses the filter wherein the filter uses image recognition software to process the image (column 3, lines 63-67, column 4, lines 1-19, 64-67).

As to claim 4, Shah-Nazaroff discloses the filter wherein the data comprising one or more personal characteristics of the user received, by the filter comprises an indicium of one or more personal characteristics of the user (column 3, lines 63-67).

As to claims 5 and 14, Shah-Nazaroff discloses the filter wherein the one or more personal characteristics of the user are at least one of gender, age and ethnicity (column 4, lines 4-19).

As to claim 6, Shah-Nazaroff discloses the filter wherein the filter accesses a recommendations database to determine the at least one recommendation for the user (column 3, lines 63-67).

As to claim 7, Shah-Nazaroff discloses the filter wherein the recommendations database is located at a remote server (column 4, line 61 through column 5, line 8).

As to claim 8, Shah-Nazaroff discloses the filter wherein the recommendations database is part of the filter (column 4, line 61 through column 5, line 8).

As to claims 9 and 13 Shah-Nazaroff discloses the filter wherein the database includes a number of records (fig 8, 806) comprising an available selection and at least one associated personal characteristic (column 7, lines 43-65).

As to claims 10 and 11, Shah-Nazaroff discloses the filter wherein the database is accessed to determine those selections having one or more associated personal characteristics that match one or more personal characteristics of the user (column 5, lines 1-65).

3. Claims 15-22 are rejected under 35 U.S.C.103(a) as being unpatentable over Shah-Nazaroff et al. (US.6,317,881 B1), In view of Berson (US. 6,532,459 B1).

Regarding claim 15, Shah-Nazaroff discloses method and apparatus to collect and provide viewer feedback, a rating is generated for a broadcast by a server system. Viewer characteristics can also be stored at system controller or programming guide server. A personal characteristics of the user corresponds to a viewer characteristic file could store information such as age, gender, etc, the system comprises of:

a) receiving data (fig 3, 310, corresponds to receiving view characteristic information) comprising one or more personal characteristics of the user (column 4, lines 4-19);

Shah-Nazaroff is silent about specific details of b) accessing a database that associates available selections with at least one personal characteristic;

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c) determining selections in the database that have at least one match between personal characteristics associated with the selection and a personal characteristic of the user;

d) providing a recommendation of a selection in the database where the at least one match meets a criterion.

Berson discloses a computer network search systems, such as Internet search system for finding, identifying, tracking, and correcting personal information about an individual that is held in diverse databases on computer networks. The system comprises of:

b) accessing a database that associates available selections with at least one personal characteristic (column 8, lines 43-63, column 9, lines 12-15, column 11, lines 21-33);

c) determining selections (column 7, lines 25-47) in the database that have at least one match between personal characteristics associated with the selection and a personal characteristic of the user (column 10, lines 4-14, 20- 28);

d) providing a recommendation of a selection in the database where the at least one match meets a criterion (column 8, lines 43-63, column 9, lines 12-15, column 11, lines 21-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shah-Nazaroff to include accessing a database that associates available selections with at least one personal characteristic. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Shah-Nazaroff by the teaching of Berson in order to provide a system for use by an individual that enables him to search, finding, identifying, tracking, and correcting personal information about an individual that is held in diverse databases on computer networks, such as internet, (as suggested by Berson at column 2, lines 21- 25).

As to claim 16, Berson discloses the method wherein the criterion is a threshold number (column 8, lines 43- 63, column 9, lines 57-62).

As to claim 17, Shah-Nazaroff discloses the method wherein the step of receiving data comprising one or more personal characteristics of the user includes receiving

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image data of the user and processing the image data to determine the one or more personal characteristics of the user (column 3, lines 63-67, column 4, lines 4-19).

As to claim 18, claim 18 recites similar limitation as claim 15 above and similarly analyzed except for the step of compiling the data received from the user base as taught by Berson at (column 7, lines 31- 47, column 12, lines 29- 41).

As to claims 19 and 21, Berson discloses the method wherein compiling data from the user base comprises determining users having a same selection and, for the selection, determining totals of the number of users having the same personal characteristic (fig 1, 13a, 13b and 13c, column 7, line 25 through column 8, line 5).

As to claims 20 and 22, Berson discloses the method wherein the step of associating a selection and a personal characteristic in the database when a criterion is met comprises determining whether the number of users with the same personal characteristic exceeds a threshold (column 8, lines 43-63).

Other prior art cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shigihara (US.5,537,153) discloses television signal transmission and reception system with multi-screen display for tuning operation.

Katinsky et al. (US.6,452,609 B1) discloses web application for accessing media streams.

Grant et al. (US6,553,566 B1) discloses viewer controlled multi-function system for processing television signals.

Syeda-Mahmood (US.5,845,288) discloses automated system for indexing graphical documents having associated text labels.

Sposato et al. (US.5,682,511) discloses graphical viewer interface for an interactive network system.


Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is 703-305- 4876. The examiner can normally be reached on Monday - Thursday 6 - 7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCC
Sheela Chawan
Patent Examiner
Group Art Unit 2625
June 4, 2004


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